

Together With

TENNESSEE TOSHA



Fall 2006

A PUBLICATION OF THE TENNESSEE DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

TOSHA Annual Report

With 102 total positions in TOSHA, the agency was responsible for 131,000 Tennessee employers and 2,638,000 employees in the private and public sectors during the period from July 1, 2005, through June 30, 2006. TOSHA conducted 2,212 inspections and identified 8,018 hazards in these workplaces. Over two million dollars in monetary penalties were assessed by TOSHA. In addition, the consultative services section was involved in 397 visits and identified 3,040 hazards. As per their mandate, consultative services assessed no monetary penalties.

The senior management staff at TOSHA remained stable during this time, and TOSHA maintains six area offices across the state. The TOSHA Advisory Committee, a six-member board composed of three representatives from industry and three from labor,

has been active, as has the Tennessee Occupational Safety and Health Review Commission. Since 1999, the Review Commission, a three-member panel who hears contested cases, has cleared over 200 cases from the docket. As of June 30, 2006, there were only 17 contested cases still open.

Special emphasis programs remain in effect on excavation safety, fall protection, carbon monoxide, occupational noise, and amputations. Targeting initiatives in construction and metal working industries remain active. The nursing home targeting initiative has been completed and is no longer active. It has been replaced by a new initiative on sharps injury prevention in hospitals and ambulatory surgical treatment centers. The inspections targeted as part of this initiative began on October 1.

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OSHA Recordkeeping and Statistics

You may call the Tennessee Department of Labor and Workforce Development, Labor Research and Statistics Division for information about OSHA 300 log recordability, injury and illness statistics, and more. They can provide general information about how to determine if an incident is recordable on your OSHA 300 form and give you advice on how to fill out the form correctly.

What is an incidence rate, how do you calculate it, and how can you use it to improve your safety and health program? From Labor Research and Statistics you can get information about the most recent incidence rates for your industry. Both state and national statistics are available.

Every industry has an SIC and NAICS code assigned to it. Do you know your SIC and NAICS codes? Do you need help filling out your Bureau of Labor Survey of Occupational Injuries and Illnesses, or OSHA Log Data Collection Survey? Call 615-741-1748 or 800-778-3966 for assistance with any of these issues.

OSHA's Form 300
Log of Work-Related Injuries and Illnesses

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.10. Use two lines for a single case. If you need to, you must complete an Injury and Illness Incident Report (OSHA Form 301) or equivalent form for each injury or illness. If you're not sure whether a case is recordable, call your local OSHA office for help.

Identify the person		Describe the case			
(A) Case no.	(B) Employee's name	(C) Job title (e.g., Welder)	(D) Date of injury or onset of illness	(E) Where the event occurred (e.g., Loading dock north end)	(F) Describe injury or illness, parts of body and objects/substances that directly injured or made person ill (e.g., Second degree burns on right forearm from
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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**Section of OSHA Form 300 found on
www.osha.gov publications, posters
and online order form site**



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are welcome

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The Tennessee Department of Labor and
Workforce Development is committed to
principles of equal opportunity, equal
access, and affirmative action. Auxiliary
aids and services are available
upon request to individuals
with disabilities.



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Hazard Communication to Become Globally Harmonized

As of Sept. 12, 2006, OSHA is seeking public comment on the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Adoption of the GHS by OSHA will require OSHA to propose changes to the Agency's Hazard Communication Standard (HCS).

The GHS is a system for standardizing and harmonizing the classification and labeling of chemicals by providing a comprehensive approach to defining the health and physical hazards of chemicals, creating classification processes, and communicating hazard information through uniform labels and safety data sheets. It is expected to bring more consistency and clarity, both from a national and international perspective, to hazardous chemical regulations in the workplace. One of the many benefits of adopting GHS is that it would provide a consistent format for labels and safety data sheets, making the information easier to comprehend and access when making hazard assessments.

To help those who are not familiar with the approach in the GHS, OSHA has prepared a guidance document, available at www.osha.gov, which summarizes the GHS requirements. The GHS has been adopted by the United Nations with a goal of broad international adoption of the GHS by 2008.

Written comments (in triplicate) must be submitted not later than Nov. 13, 2006, to the OSHA Docket Office, Docket No. H-022K, Room N2625, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C.. Electronic comments may be submitted to: <http://ecomments.osha.gov/>.

TOSHA Annual Report (cont.)

The TOSHA Volunteer STAR program includes 24 sites protecting more than 19,000 employees. The SHARP program for small businesses has 12 members who are working with TOSHA Consultative Services to build superior safety and health programs at their sites.

There were no legislative changes to the TOSH Act during the past year. One new standard has been adopted titled Occupational Exposure to Hexavalent Chromium. The first requirements are effective November 27, 2006. Recently, OSHA issued an amendment to the respiratory protection standard to add definitions and requirements for Assigned Protection Factors (APFs) and Maximum Use Concentrations (MUCs). TOSHA will adopt these changes.

Finally, the TOSHA industrial hygiene lab has moved to a new state-of-the-art facility in Murfreesboro, Tennessee. TOSHA's two chemists worked with the architects to design the new lab to their specifications. With the efficiently designed space and new equipment, the analytical abilities of the lab will be enhanced resulting in a healthier working environment for many Tennesseans.

In upcoming editions of this newsletter, we will look at TOSHA standards with a training component. We will begin with the general industry standards and then cover the construction training requirements.

Fires and explosions kill more than 200 and injure more than 5,000 workers each year. So let's begin with the training required in 29 CFR 1910.38, Emergency Action Plans. An employer must have an emergency action plan whenever another general industry standard requires one. Most of TOSHA's substance specific chemical standards, such as ethylene oxide (1910.1047) and 1,3-butadiene (1910.1051) have such requirements, as does the standard on Process Safety Management of Highly Hazardous Chemicals (1910.119) and the emergency response portions of the Hazardous Waste and Emergency Response (1910.120(q)) standard. In addition, TOSHA highly recommends that the employer establish an emergency action plan whenever the response to an emergency will be evacuation of the facility.

When an emergency action plan exists, the employer must designate and train employees to assist in a safe and orderly evacuation of other employees. In addition, the employer must review the plan with all employees covered by the plan. This review must take place when the plan is developed or the employee is assigned initially to a job under the plan, and when the employee's responsibilities or the plan is changed. The plan must be in writing, kept in the workplace, and be available for employees to review. (An employer with 10 or fewer employees may communicate the plan orally). The plan must include emergency escape procedures, escape route assignments, procedures for critical plan operations shutdown, procedures to account for employees after the evacuation, rescue and medical duties of employees, if any, the means of reporting fires and other emergencies, and the name and job title of contact person.

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Condition: Where respirators are not required to be used (i.e. worn voluntarily), the employer provided or permitted employees to use respirators and did not provide employees with a copy of Appendix D of this standard.

Potential Effects: Using a respirator without training can lead to improper use of a respirator causing increased exposure to hazardous materials.

Standard: 29 CFR 1910.134(c)(2)(i)

Recommended Action: Provide all employees who use respirators voluntarily with a copy of Appendix D of this standard. Appendix D is titled "Information for Employees Using Respirators When Not Required Under the Standard." The respirator program administrator should ensure employees read and understand Appendix D. The administrator should also keep documentation that the appendix has been provided.

Appendix D provides important information on the use and limitations of respirators in a concise and understandable format. For employees involved in the voluntary use of filtering-facepiece respirators, employer must provide Appendix D to the wearer. If the employer allows an employee to voluntarily wear a respirator with an elastomeric facepiece, there are additional requirements. In that case, in addition to providing Appendix D, the employer must establish those elements of a written respirator program that ensure that the employee is medically able to use the respirator and that the respirator will be cleaned, stored, and maintained properly.

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Consultative Services On-site Problem Solver

Before the publication date for TOSHA's new standard on the use of hexavalent chromium, TOSHA Consultative Services began an outreach to industries with a history of hexavalent chromium/chromic acid use. The aim was to help employers comply with the standard prior to its scheduled adoption.

Consultative Services' industrial hygienists were invited onsite at a chrome plating company to evaluate the use of chromic acid to chrome plate seat belt parts for the automotive industry. They conducted full-shift air sampling for the customer following the protocols in the new standard. The airborne chromic acid exposures were found to be lower than the new permissible exposure limit (PEL).

Therefore, no additional changes in the workplace were necessary to comply with the new standard. If exposures had exceeded the PEL, TOSHA Consultative Services could have provided additional assistance in establishing engineering controls to reduce exposures. In addition, the company now has the monitoring records to serve as their exposure determination as required by the new standard.

Lessons learned from this activity

TOSHA Consultative Services can be a valuable source of assistance with new standards and regulations without fear of penalty or citation. TOSHA Consultative Services has access to the same resources and materials of TOSHA Enforcement while being separate sections. Consultation can assist small employers with any aspect of TOSHA requirements including onsite services and air sampling free of charge.

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